

EXHIBIT 1

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOSE BLAS,)
Petitioner,)
)
v.) Civ. Action No. 04-CV-40211
)
DAVID L. WINN,)
Respondent.)
)

DECLARATION OF STEPHANIE SCANNELL

I, Stephanie Scannell, hereby make the following declaration:

1. I am currently employed by the Federal Bureau of Prisons (BOP) of the United States Department of Justice as a Paralegal Specialist Trainee at the Consolidated Legal Center located at the Federal Medical Center (FMC) in Devens, Massachusetts. I have been employed at this position since approximately March 9, 2003, and have been with the BOP since October 6, 2002.
2. In order to perform my official duties as Paralegal Trainee, I have access to numerous records regarding prisoners maintained in the ordinary course of business at FMC Devens. This information includes, but is not limited to, documentary records, Judgment and Commitment files, and computerized records maintained on SENTRY, the Bureau of Prisons computerized data base.
3. I have access to the various databases and files concerning administrative remedy claims filed pursuant to the Administrative Remedy Program, which are maintained by the Bureau of Prisons in the ordinary course of business. In particular, I have access to SENTRY, which maintains a record of all of the administrative remedies filed by an inmate, the dates thereof, and the dispositions. These records reflect every administrative remedy claim filed by an inmate in the Bureau of Prisons, while housed in any federal institution of the Bureau of Prisons.

4. On November 10, 2004, I ran a SENTRY search to determine if inmate Jose Blas, Reg. No. 67734-053, had filed any administrative remedy claims under the Administrative Remedy Program in regard to the allegations in his Petition. A review of his Administrative Remedy Record revealed that to date, inmate Blas has not filed any Requests for Administrative Remedy on the issue of his good conduct time at any level of the Administrative Remedy Process. Therefore, he has not exhausted his administrative remedies. A true and accurate copy of the Administrative Remedy Generalized Retrieval screen for inmate Jose Blas, Reg. No. 67734-053, is attached as **Document 1e**.
5. Attached hereto, please find true and correct copies of the following documents:
 - a. Public Information Data for inmate Jose Blas, Reg. No. 67734-053, dated November 10, 2004;
 - b. Sentence Monitoring Computation Data for inmate Jose Blas, Reg. No. 67734-053, dated November 10, 2004;
 - c. Sentencing Monitoring Good Time Data for inmate Jose Blas, Reg. No. 67734-053, dated November 10, 2004;
 - d. Program Statement 5880.28, Sentence Computation Manual CCCA (attached in relevant part);
 - e. Administrative Remedy Generalized Retrieval for inmate Jose Blas, Reg. No. 67734-053, dated November 10, 2004.

I declare the foregoing is true and correct to the best of my knowledge and belief, and given under penalty of perjury pursuant to 28 U.S.C. § 1746.

Executed this 15th day of November, 2004



Stephanie J. Scannell
Paralegal Specialist Trainee
FMC Devens

ATTACHMENT A

REGNO..: 67734-053 NAME: BLAS, JOSE
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC...: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE..: 978-796-1000 FAX: 978-796-1118
RACE/SEX...: WHITE / MALE
FBI NUMBER.: 278530WB4 DOB/AGE....: 07-17-1954 / 50
PROJ REL MT: GOOD CONDUCT TIME RELEASE PAR ELIG DT: N/A
PROJ REL DT: 06-03-2015 PAR HEAR DT:

----- ADMIT/RELEASE HISTORY -----

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
DEV	A-DES	DESIGNATED, AT ASSIGNED FACIL	01-23-2003 1454	CURRENT
A01	RELEASE	RELEASED FROM IN-TRANSIT FACL	01-23-2003 1454	01-23-2003 1454
A01	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACL	01-23-2003 0715	01-23-2003 1454
ATL	HLD REMOVE	HOLDOVER REMOVED	01-23-2003 0715	01-23-2003 0715
ATL	A-HLD	HOLDOVER, TEMPORARILY HOUSED	01-22-2003 2054	01-23-2003 0715
1-W	RELEASE	RELEASED FROM IN-TRANSIT FACL	01-22-2003 2054	01-22-2003 2054
1-W	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACL	01-02-2003 1216	01-22-2003 2054
COR	ADMIN REL	ADMINISTRATIVE RELEASE	01-02-2003 1216	01-02-2003 1216

G0002 MORE PAGES TO FOLLOW . . .

REGNO...: 67734-053 NAME: BLAS, JOSE
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC...: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE...: 978-796-1000 FAX: 978-796-1118
COR A-ADMIN ADMINISTRATIVE ADMISSION 01-02-2003 1200 01-02-2003 1216
BRO PRE REMOVE PRE SENT DETAINEE REMOVED 04-18-2002 1914 01-02-2003 1200
BRO A-PRE PRE-SENT ADMIT, ADULT 04-11-2002 1836 04-18-2002 1914

G0002

MORE PAGES TO FOLLOW . . .

REGNO...: 67734-053 NAME: BLAS, JOSE
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC...: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE...: 978-796-1000 FAX: 978-796-1118
PRE-RELEASE PREPARATION DATE: 12-03-2014

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
THE INMATE IS PROJECTED FOR RELEASE: 06-03-2015 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: FLORIDA, MIDDLE DISTRICT
DOCKET NUMBER.....: 8:02-CR-115-T-27EAJ
JUDGE.....: WHITTEMORE
DATE SENTENCED/PROBATION IMPOSED: 12-16-2002
DATE COMMITTED.....: 01-23-2003
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

G0002 MORE PAGES TO FOLLOW . . .

REGNO..: 67734-053 NAME: BLAS, JOSE
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC...: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE..: 978-796-1000 FAX: 978-796-1118

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$300.00	\$00.00	\$15,000.00	\$00.00
RESTITUTION...:	PROPERTY: NO	SERVICES: NO	AMOUNT: \$86.00	

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE....: 899
OFF/CHG: T18:2422(B);2423(B);2422(B) ATTEMPT TO PERSUADE & COERCE AN
INDIVIDUAL UNDER THE AGE OF 18 TO ENGAGE IN SEXUAL ACT X2
TRAVEL IN INTERSTATE COMMERCE FOR PURPOSE OF ENGAGING IN ANY
SEXUAL ACT WITH AN INDIVIDUAL UNDER THE AGE OF 18 YRS.

G0002

MORE PAGES TO FOLLOW . . .

REGNO..: 67734-053 NAME: BLAS, JOSE
COMP NO: 010 ALL Curr COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC...: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE..: 978-796-1000 FAX: 978-796-1118
SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 180 MONTHS
TERM OF SUPERVISION.....: 3 YEARS
DATE OF OFFENSE.....: 12-08-2001

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 02-19-2003 AT DEV AUTOMATICALLY

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 12-16-2002
TOTAL TERM IN EFFECT.....: 180 MONTHS

G0002 MORE PAGES TO FOLLOW . . .

REGNO..: 67734-053 NAME: BLAS, JOSE
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC...: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE...: 978-796-1000 FAX: 978-796-1118

TOTAL TERM IN EFFECT CONVERTED...: 15 YEARS
EARLIEST DATE OF OFFENSE.....: 12-08-2001

JAIL CREDIT.....	FROM DATE	THRU DATE
	04-11-2002	04-18-2002
	05-17-2002	12-15-2002

TOTAL PRIOR CREDIT TIME.....: 221
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED...: 705
TOTAL GCT EARNED.....: 108
STATUTORY RELEASE DATE PROJECTED: 06-03-2015
SIX MONTH /10% DATE.....: N/A
EXPIRATION FULL TERM DATE.....: 05-08-2017

G0002 MORE PAGES TO FOLLOW . . .

REGNO...: 67734-053 NAME: BLAS, JOSE
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC...: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE...: 978-796-1000 FAX: 978-796-1118

PROJECTED SATISFACTION DATE.....: 06-03-2015
PROJECTED SATISFACTION METHOD....: GCT REL

S0055

NO PRIOR SENTENCE DATA EXISTS FOR THIS INMATE

ATTACHMENT B

DEVBS 540*23 * SENTENCE MONITORING * 11-10-2004
 PAGE 001 * COMPUTATION DATA * 13:41:12
 AS OF 11-10-2004

REGNO.: 67734-053 NAME: BLAS, JOSE

FBI NO.....: 278530WB4 DATE OF BIRTH: 07-17-1954
 ARS1.....: DEV/A-DES QUARTERS....: 303-327U
 UNIT.....: 0 CCSOMP DETAINERS.....: NO
 NOTIFICATIONS: NO

PRE-RELEASE PREPARATION DATE: 12-03-2014

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
 THE INMATE IS PROJECTED FOR RELEASE: 06-03-2015 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: FLORIDA, MIDDLE DISTRICT
 DOCKET NUMBER.....: 8:02-CR-115-T-27EAJ
 JUDGE.....: WHITTEMORE
 DATE SENTENCED/PROBATION IMPOSED: 12-16-2002
 DATE COMMITTED.....: 01-23-2003
 HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
 PROBATION IMPOSED.....: NO

FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.: \$300.00	\$00.00	\$15,000.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$86.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE....: 899
 OFF/CHG: T18:2422(B);2423(B);2422(B) ATTEMPT TO PERSUADE & COERCE AN
 INDIVIDUAL UNDER THE AGE OF 18 TO ENGAGE IN SEXUAL ACT X2
 TRAVEL IN INTERSTATE COMMERCE FOR PURPOSE OF ENGAGING IN ANY
 SEXUAL ACT WITH AN INDIVIDUAL UNDER THE AGE OF 18 YRS.

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
 SENTENCE IMPOSED/TIME TO SERVE.: 180 MONTHS
 TERM OF SUPERVISION.....: 3 YEARS
 DATE OF OFFENSE.....: 12-08-2001

DEVBS 540*23 * SENTENCE MONITORING * 11-10-2004
PAGE 002 OF 002 * COMPUTATION DATA * 13:41:12
AS OF 11-10-2004

REGNO..: 67734-053 NAME: BLAS, JOSE

----- CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 02-19-2003 AT DEV AUTOMATICALLY

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 12-16-2002

TOTAL TERM IN EFFECT.....: 180 MONTHS

TOTAL TERM IN EFFECT CONVERTED..: 15 YEARS

EARLIEST DATE OF OFFENSE.....: 12-08-2001

JAIL CREDIT.....	FROM DATE	THRU DATE
04-11-2002	04-18-2002	
05-17-2002	12-15-2002	

TOTAL PRIOR CREDIT TIME.....: 221

TOTAL INOPERATIVE TIME.....: 0

TOTAL GCT EARNED AND PROJECTED..: 705

TOTAL GCT EARNED.....: 108

STATUTORY RELEASE DATE PROJECTED: 06-03-2015

SIX MONTH /10% DATE.....: N/A

EXPIRATION FULL TERM DATE.....: 05-08-2017

PROJECTED SATISFACTION DATE.....: 06-03-2015

PROJECTED SATISFACTION METHOD...: GCT REL

ATTACHMENT C

DEVBS 542*22 * SENTENCE MONITORING * 11-10-2004
 PAGE 001 OF 001 * GOOD TIME DATA * 13:42:27
 AS OF 11-10-2004

REGNO...: 67734-053 NAME: BLAS, JOSE
 ARS 1...: DEV A-DES PLRA
 COMPUTATION NUMBER..: 010 FUNC..: PRT ACT DT:
 LAST UPDATED: DATE.: 02-19-2003 FACL..: DEV CALC: AUTOMATIC
 UNIT.....: J CCSOMP QUARTERS.....: J03-327U
 DATE COMP BEGINS....: 12-16-2002 COMP STATUS.....: COMPLETE
 TOTAL JAIL CREDIT...: 221 TOTAL INOP TIME.....: 0
 CURRENT REL DT.....: 01-20-2017 FRI EXPIRES FULL TERM DT: 05-08-2017
 PROJ SATISFACT DT...: 06-03-2015 WED PROJ SATISF METHOD..: GCT REL
 ACTUAL SATISFACT DT.: ACTUAL SATISF METHOD:
 DAYS REMAINING.....: FINAL PUBLIC LAW DAYS:

-----GOOD CONDUCT TIME AMOUNTS-----

START DATE	STOP DATE	MAX POSSIBLE TO	ACTUAL TOTALS	VESTED	VESTED
		DIS FFT	DIS FFT	AMOUNT	DATE
05-09-2002	05-08-2003	54 54			
05-09-2003	05-08-2004	54 108			
05-09-2004	05-08-2005	54			
05-09-2005	05-08-2006	54			
05-09-2006	05-08-2007	54			
05-09-2007	05-08-2008	54			
05-09-2008	05-08-2009	54			
05-09-2009	05-08-2010	54			
05-09-2010	05-08-2011	54			
05-09-2011	05-08-2012	54			
05-09-2012	05-08-2013	54			
05-09-2013	05-08-2014	54			
05-09-2014	05-08-2015	54			
05-09-2015	06-03-2015	3			
TOTAL EARNED AMOUNT.....:				108	
TOTAL EARNED AND PROJECTED AMOUNT.....:				705	

ATTACHMENT D



Program Statement

OPI: CPD
NUMBER: 5880.28
DATE: CN-06, 7/19/99
SUBJECT: Sentence Computation Manual (CCA of 1984)

1. **PURPOSE AND SCOPE.** This Program Statement transmits the "Sentence Computation Manual" which establishes the policies and procedures for the computation of sentences imposed for violations of the United States Code under the statutes of the Comprehensive Crime Control Act of 1984 (CCCA).

On October 12, 1984, President Reagan signed the Comprehensive Crime Control Act of 1984 (CCCA) into law. Two major components of this law, the Sentencing Reform Act of 1984 (SRA) and the Insanity Reform Act of 1984, completely restructured the sentencing guidelines and policies of the United States Courts.

After the effective date of the SRA on November 1, 1987, a number of United States Court decisions found all or parts of the SRA unconstitutional. As a result, the SRA was implemented nationally in various ways.

On January 18, 1989, in **Mistretta v. U.S.**, the Supreme Court considered the constitutionality of the sentencing guidelines and ruled that the guidelines were constitutional. This Manual provides instructions for computing sentences imposed under the CCCA both before and after the **Mistretta** decision.

2. DIRECTIVES AFFECTED

- a. **Directives Rescinded.** None.
- b. **Directives Referenced.** None.

g. Good Conduct Time. Subsection 3624(b) states, "(b) Credit toward service of sentence for satisfactory behavior.-- A prisoner who is serving a term of imprisonment of more than one year, other than a term of imprisonment for the duration of his life, shall receive credit toward the service of his sentence, beyond the time served, of fifty-four days at the end of each year of his term of imprisonment, beginning at the end of the first year of the term, unless the Bureau of Prisons determines that, during that year, he has not satisfactorily complied with such institutional disciplinary regulations as have been approved by the Attorney General and issued to the prisoner. If the Bureau determines that during that year, the prisoner has not satisfactorily complied with such institutional regulations, he shall receive no such credit toward service of his sentence or shall receive such lesser credit as the Bureau determines to be appropriate. The Bureau's determination shall be made within fifteen days after the end of each year of the sentence. Such credit toward service of sentence vests at the time it is received. Credit that has been vested may not later be withdrawn, and credit that has not been earned may not later be granted. Credit for the last year or portion of a year of the term of imprisonment shall be prorated and credited within the last six weeks of the sentence."

For computation purposes, it is necessary to remember the following about subsection 3624(b):

- (1) 54 days of GCT may be earned for each full year served on a sentence in excess of one year, with the GCT being

prorated for the last partial year. No GCT can be earned on, or awarded to, a sentence of one year or less.

(2) The BOP has 15 days after the end of each full year served to make a determination as to the amount of the 54 days that shall be awarded. If the BOP makes no decision about the amount of GCT to award in the 15 days at the end of the year just served, then the entire 54 days will be automatically credited to the sentence on the Vested Date. Therefore, before awarding any GCT on the Vested Date, staff shall review the SENTRY disciplinary log to determine if any GCT had been disallowed during the preceding anniversary period. If no GCT was disallowed during the preceding anniversary period, then the GCT SENTRY data base shall be updated with the total amount of GCT possible to earn and a copy of the disciplinary log, as well as a copy of the GCT record (both signed and dated by the ISM staff member making the change and the auditor), shall be placed in the Judgment and Commitment File. *

If some or all of the GCT had been disallowed during the preceding anniversary period and no BP-448 (Good Conduct Time Action Notice) has been received by the Vested Date that matches the disciplinary log record, then the disciplinary log shall be used as the official record for disallowing GCT on the Vested Date. A copy of the disciplinary log shall be placed in the Judgment and Commitment File pending receipt of a BP-448 that matches the information on the disciplinary log. After receipt of the BP-448 the disciplinary log copy shall be destroyed. Again, an updated copy of the

SENTRY GCT record (signed and dated by the ISM staff member making the change and the auditor) shall be placed in the Judgment and Commitment File.

*

Once GCT has been credited, it vests and may not later be disallowed. If good cause exists (e.g., riot, food strike, work stoppage, etc.) or the prisoner commits an act of misconduct (See Program Statement on Inmate Discipline and Special Housing Units) that occurred during the prior year but does not become known until after the 15 day time limit has expired, however, then the GCT may be disallowed even though the time limit has been exceeded. In addition, if an act of misconduct is referred to the Discipline Hearing Officer (DHO) and the DHO is unable to dispose of the referral in the manner prescribed by the Program Statement on Inmate Discipline and Special Housing Units within the 15 days allowed, then the official award or disallowance of the GCT may be delayed for the period of time necessary to comply with that Program Statement.

In any case not covered in the preceding paragraph in which GCT is not disallowed within the proper time limit, the RISA should be contacted for instructions. *

(3) GCT that is disallowed and that is not awarded from the maximum possible to award during the 15 day time limit, may not be awarded at a later time. If a disallowance of GCT is successfully appealed, or if the BOP has for some reason erroneously disallowed GCT, then the GCT may be credited at that time.

(4) The BOP has six weeks before the end of the sentence to make a determination about how much of the prorated GCT to award for the last portion of a year of the term of imprisonment. If the BOP makes no decision about the amount of GCT to award in the last six weeks of the sentence, then the entire amount possible to award for that period of time will be automatically credited to the sentence on the last day of the sentence (date of release and Vested Date). Therefore, before awarding any GCT on the Vested Date, staff shall review the SENTRY disciplinary log to determine if any GCT had been disallowed during the preceding anniversary period. If no GCT was disallowed during the preceding anniversary period, then the GCT SENTRY data base shall be updated with the total amount of GCT possible to earn and a copy of the disciplinary log, as well as a copy of the GCT record (signed and dated by the ISM staff member making the change and the auditor), shall be placed in the Judgment and Commitment File.

If some or all of the GCT had been disallowed during the preceding anniversary period and no BP-448 has been received by the Vested Date that matches the disciplinary log record, then the disciplinary log shall be used as the official record for disallowing GCT on the Vested Date. A copy of the disciplinary log shall be placed in the Judgment and Commitment File pending receipt of a BP-448 that matches the information on the disciplinary log. After receipt of the BP-448 the disciplinary log copy shall be destroyed. Again, an updated

*

copy of the SENTRY GCT record (signed and dated by the ISM staff member making the change and the auditor) shall be placed in the Judgment and Commitment File. *

(5) An action to delay, disallow or suspend the award of some or all of the GCT for a decision at a later time that is not within the 15 day, or six week, consideration time periods is not authorized.

For release purposes, subsection 3624(b) is the most important provision in the computation process since the proper application of that subsection determines the actual statutory date of release for the prisoner. The release date is determined, of course, by subtracting the total amount of GCT awarded during the term of the sentence from the full term date of the sentence. The total amount of GCT awarded during the term of a sentence is found by adding the amount of GCT awarded at the end of each year to the amount of GCT awarded for the last portion of a year.

As noted in (1) above, 54 days of GCT may be awarded for each full year served on a sentence in excess of one year. Since 54 days of GCT per year cannot be divided evenly into one year, or 12 months, or 52 weeks, or 365 days, determining the amount of GCT that may be awarded for the last portion of a year on the sentence becomes arithmetically complicated. The BOP has developed a formula (hereinafter called the "GCT formula") that

best conforms to the statute when calculating the maximum number of days that may be awarded for the time served during the last portion of a year on the sentence.

The GCT formula is based on dividing 54 days (the maximum number of days that can be awarded for one year in service of a sentence) into one day which results in the portion of one day of GCT (continued on next page)

that may be awarded for one day served on a sentence. 365 days divided into 54 days equals .148. Since .148 is less than one full day, no GCT can be awarded for one day served on the sentence. Two days of service on a sentence equals .296 (2 x .148) or zero days GCT; three days equals .444 (3 x .148) or zero days GCT; four days equals .592 (4 x .148) or zero days GCT; five days equals .74 (5 x .148) or zero days GCT; six days equals .888 (6 x .148) or zero days GCT; and seven days equals 1.036 (7 x .148) or 1 day GCT. The fraction is always dropped.

Since, in accordance with the statute (18 USC § 3624(b)), no GCT can be awarded to a sentence of one year or less, then the very shortest sentence that can be awarded GCT is a sentence of 1 year and 1 day. Because a prisoner would accrue GCT while serving a sentence of 1 year and 1 day and, therefore, serve something less than the full sentence, it would be impossible to accrue the full 54 days of GCT for a sentence of 1 year and 1 day. As a result, the GCT formula previously discussed must be utilized as shown below to determine the amount of GCT to award for a partial year. This method of calculating the GCT possible to award for the last portion of a year of a sentence to be served must be followed in all partial year calculations. (For the purpose of this demonstration, the sentence of 1 year and 1 day equals 366 days.)

Step No. 1

Sentence = 366 - 54 = 312 days

312 days served does not equal 54 days of GCT but does equal 46 days.

Step No. 2

Days Served = 312 x .148 = 46.176 = 46 days GCT

Subtracting 46 days from the sentence of 366 days results in 320 days to be served.

Step No. 3

Sentence = 366 - 46 = 320 days

46 days of GCT is not enough because 46 plus 312 days to be served equals a sentence of 358 days, 8 days short of a sentence of 366 days (1 year and 1 day).

Step No. 4

Time Served = 312 + 46 = 358 days

Comparing 320 days to serve, which is too much time to serve, with 312 days to serve, which is not enough time to serve, reveals that the amount of GCT that can be earned must fall somewhere between 54 and 46 days. As a result, the next step is to determine how much GCT can be earned on 320 days served.

Step No. 5

Time Served = 320 x .148 = 47.36 = 47 days GCT

Subtracting 47 days from the sentence of 366 days (1 year and 1 day)
results in 319 days to be served.

Step No. 6

Sentence = 366 - 47 = 319 days

Utilizing the GCT formula, it is learned that 319 days served equals 47 days GCT.

Step No. 7

Time Served = 319 x .148 = 47.212 = 47 days GCT

Adding 319 days time served to 47 days GCT does equal a sentence of 366 days (1 year and 1 day).

Step No. 8

Time Served = 319 + 47 = 366 days

The amount of GCT that can be awarded for a sentence of 366 days (1 year and 1 day) is 47 days.

The steps that were followed in the preceding example must be followed in every instance when it is necessary to determine the amount of GCT that can be awarded for a partial year served on a sentence. A short version of the preceding eight steps is shown below.

$$\begin{aligned} 366 \times .148 &= \underline{54.168} \quad (366 + 54 = 420) \\ 366 - 54 &= 312 \times .148 = \underline{46.176} \quad (312 + 46 = 358) \\ 366 - 46 &= 320 \times .148 = \underline{47.36} \quad (320 + 47 = 367) \\ 366 - 47 &= 319 \times .148 = \underline{47.212} \quad (319 + 47 = 366) \end{aligned}$$

Thus--319 days actually served plus 47 days of GCT equals 366 days, or a sentence of 1 year and 1 day.

There is one exception to the "fraction is always dropped" rule. For instance, if the partial year remaining on a sentence equals 7 days and if the full 7 days were served, then 1 day of GCT credit ($7 \times .148 = 1.036 = 1$ day) could be awarded. If the 1 day is awarded, however, then only 6 days would actually be served on the final 7 days and for 6 days served no GCT ($6 \times .148 = .888 = 0$ days) would be authorized. This arithmetical conflict occurs each time that the actual time to serve plus the GCT equals 1 day less than that final portion of the year remaining on the sentence. For example, applying the GCT formula to a final portion of a year of 294 days results in the following calculation.

294 x .148 = 43.512 (294 + 43 = 337)
294 - 43= 251 x .148 = 37.148 (251 + 37 = 288)
294 - 37= 257 x .148 = 38.036 (257 + 38 = 295)
294 - 38= 256 x .148 = 37.888 (256 + 37 = 293)

As you can see from above, the GCT formula does not produce a result that will allow the number of days actually served plus the GCT to equal 294 days. Since it is to the advantage of the prisoner to award an additional full day for 37.888 days (38 days instead of 37 days) of GCT in such a situation, the BOP will award that additional 1 full day even though the time served results in a fraction (.888 in this case) short of a full day. (See Good Conduct Time Chart)

It is essential to learn that GCT is not awarded on the basis of the length of the sentence imposed, but rather on the number of days actually served. In other words, when the GCT awarded plus the number of days actually served equals the days remaining on the sentence, then the prisoner shall be released on the date arrived at in the computation process (days remaining on sentence - (GCT + days served) = release date). The following example demonstrates the computation process for determining a final release date on a sentence with 355 days remaining and that has a 10-10-91 date of release prior to the award of GCT.

355 x .148 = 52.54 (355 + 52 = 407)
355 - 52= 303 x .148 = 44.844 (303 + 44 = 347)
355 - 44= 311 x .148 = 46.028 (311 + 46 = 357)
355 - 46= 309 x .148 = 45.172 (309 + 45 = 354)
355 - 45= 310 x .148 = 45.88 (310 + 45 = 355)

Release Date	= 10-10-91	= 19276
GCT	= -00045	
Final Release Date	= 08-26-91	= 19231

Based on the partial year formula, any sentence that equals 418 days (e.g., 1 year, 1 month and 21 days) through 425 days (e.g., 1 year, 1 month and 29 days), can receive 54 days of GCT. Beginning with sentences that equal 426 days, more than 54 days of GCT can be awarded. As a result, any sentence that exceeds 425 days will require an Anniversary Date and a prorated year computation.

Now that the method for finding the release date for a partial year has been shown, the following example demonstrates the calculation of a sentence of 1 year and 1 month with no jail time credit or inoperative time.

Date Sentence Began	90-06-23
Sentence Length	= <u>+01-01-00</u>
Full Term Date	91-07-22* = 19196
Date Sentence Began	90-06-22* = <u>-18801</u>
Days Remaining	395

$$\begin{aligned} 395 \times .148 &= \underline{58.46} \quad (395 + 58 = 453) \\ 395 - 58 &= 337 \times .148 = \underline{49.876} \quad (337 + 49 = 386) \\ 395 - 49 &= 346 \times .148 = \underline{51.208} \quad (346 + 51 = 397) \\ 395 - 51 &= 344 \times .148 = \underline{50.912} \quad (344 + 50 = 394) \\ 395 - 50 &= 345 \times .148 = \underline{51.06} \quad (345 + 51 = \underline{396}) \end{aligned}$$

You will note that the GCT formula does not allow the GCT plus the days served ($344 + 50 = 394$ and $345 + 51 = 396$) to equal the days remaining on the sentence (395). As a result, in accordance with the exception to always "dropping the fraction" rule, 51 days of GCT is awarded for the partial year rather than 50 days.

enter the number of days of Good Conduct Time into SENTRY on the Vested Date, or the last normal work day prior to the Vested Date.

e. If a Good Conduct Time Action Notice (BP-448) has not been received by the Vested Date, then the Disciplinary Log shall be used as the official record for disallowing GCT on the Vested Date. A copy of the disciplinary log shall be placed in the J&C File pending receipt of a BP-448 that matches the information on the disciplinary log. After receipt of the BP-448, the disciplinary log copy shall be destroyed.

f. For partial year awards, ISM staff will enter the final GCT award into SENTRY on the inmate's release date prior to the final satisfaction of the sentence. The final GCT award should be made on the inmate's release date, or the work day preceding the release date since awards of GCT are vested and may not later be disallowed. If the time remaining on the sentence is less than a year, a prorated amount of Good Conduct Time will be entered into SENTRY. This also includes shorter sentences up to and including a sentence of 417 days (usually equaling 1 year, 1 month and 1 day), which do not earn the full amount of 54 GCT days, but earn a lesser prorated amount. Inmates serving SRA sentences are not eligible for lump sum awards of GCT.

g. Community Corrections staff will perform the above procedures for prisoners in community correction centers. The Disciplinary Log need not be produced for prisoners who are boarded out to state facilities or who are serving their sentences concurrently in a state facility. *

ATTACHMENT E

FUNCTION: LST SCOPE: REG EQ 67734-053 OUTPUT FORMAT: SAN
-----LIMITED TO SUBMISSIONS WHICH MATCH ALL LIMITATIONS KEYED BELOW-----
DT RCV: FROM _____ THRU _____ DT STS: FROM _____ THRU _____
DT STS: FROM _____ TO _____ DAYS BEFORE "OR" FROM _____ TO _____ DAYS AFTER DT RDU
DT TDU: FROM _____ TO _____ DAYS BEFORE "OR" FROM _____ TO _____ DAYS AFTER DT TRT
STS/REAS: _____
SUBJECTS: _____
EXTENDED: _____ REMEDY LEVEL: _____ RECEIPT: _____ "OR" EXTENSION: _____
RCV OFC : EQ _____
TRACK: DEPT: _____
PERSON: _____
TYPE: _____
EVNT FACL: EQ _____
RCV FACL.: EQ _____
RCV UN/LC: EQ _____
RCV QTR...: EQ _____
ORIG FACL: EQ _____
ORG UN/LC: EQ _____
ORIG QTR.: EQ _____

G5152 NO REMEDY DATA EXISTS FOR THIS INMATE